

4-804. Order on claim of exemption and order to pay in execution proceedings.

[For use with Rules 1-065.1, 2-801, 3-801 NMRA in the Magistrate, Metropolitan and District Courts]

STATE OF NEW MEXICO
COUNTY OF _____
_____ COURT

_____, Plaintiff

v.

No. _____

_____, Defendant

**ORDER ON CLAIM OF EXEMPTION AND ORDER TO PAY
IN EXECUTION PROCEEDINGS**

This matter coming before the court, THE COURT FINDS:

- ☐ 1. At the time the writ of execution was served on the judgment debtor, the amount of \$_____ was unpaid and owing to the judgment creditor.
- ☐ 2. As a result of this execution proceeding, judgment creditor has spent additional costs of \$_____.
- ☐ 3. The total amount of judgment and costs to date is \$_____ plus interest of ____% per year from _____, _____.
- ☐ 4. An affidavit of service or return of service of the writ of execution; a notice of right to claim exemption form, and a claim of exemption form were served on the judgment debtor(s) or their attorney of record, if any.

- ☐ 5. The judgment debtor:
- ☐ has not filed a claim of exemption; or
- ☐ has filed a claim of exemption and the judgment creditor has not disputed the claim of exemption for the following property and such property is therefore exempt:

_____;

and

the following disputed property is not exempt and may be seized and sold by the sheriff

THE COURT ORDERS:

- ☐ 1. The judgment creditor is awarded, in addition to the amount of the judgment, the sum of \$_____ as additional costs.
- ☐ 2. The following property held by the sheriff is exempt from execution and the writ of execution in this case is hereby released and discharged as to that property:

- [] 3. The sheriff may seize and sell the property of the judgment debtor except as set forth above.

_____, _____
Judge

[As amended, effective July 1, 1992; January 1, 1996.]